

REMARKS

Reconsideration of the present application, as amended, is respectfully requested.

A. STATUS OF THE CLAIMS

As result of the present amendment, claims 1-3 and 5-10 remain in the case for continued prosecution.

Informalities in claims 1, 5, and 6 have been removed.

Claim 1 has been amended to particularly set forth that which Applicants consider to be their invention. The amendments, *inter alia*, avoid certain compounds from the formula, including the compound cited by the Examiner (CAS# 147950-73-0). The amended claim elements are supported by original claim 1 and/or by the exemplified compounds, see, for example, page 44, line 6 to page 136 line 4.

Claim 2 has been canceled without prejudice.

Claim 3 has been amended to independent form and to eliminate compounds, 3-4, 7, 23-24, 35-36, 38, and 41, without prejudice.

Claims 5 and 6 have been amended to more particularly recite that the subject of the respective claims is a composition comprising the compounds ("tricyclic derivatives") of claims 1, 3, and 7, and a pharmaceutically acceptable excipient. Support can be found, for example, from page 42, line 1 to page 43, line 19 of the application.

New claim 7 has been added to particularly set forth that which Applicants consider to be their invention. The amended claim elements are supported by original claim 1 and/or by the exemplified compounds, see, for example, page 44, line 6 to page 136 line 4.

New claims 8-11 have been added. Support can be found, for example, in original claims 1 and 2.

No new matter has been added.

B. SUMMARY OF EXAMINER INTERVIEW

The undersigned wishes to thank the Examiner for his courtesy extended during the telephone interview conducted on December 16, 2008. It is believed that this amendment

includes, where appropriate, the suggestions from the Examiner.

C. INFORMATION DISCLOSURE STATEMENT

An Information Disclosure Statement along with copies of NPL documents and foreign patent documents from the International Search Report has been filed on January 20, 2009. It is respectfully requested that the Examiner consider the references submitted for the record.

D. PERFECTING FOREIGN PRIORITY CLAIM

Applicants claim priority of PCT/KR04/01518, filed on June 23, 2004. This international patent application in turn claims priority from KR 10-2003-0041547, filed on Jun 25, 2003. The Examiner has required that a certified English-language translation of the Korean priority document be provided in order that the priority claim be perfected back to June 25, 2003.

In the interest of economy of prosecution, the Applicants state that the published, English-language international patent application was, to their knowledge, a true and complete translation of the Korean priority document, and provide a "Verified Statement on Translation" in support of that statement. Thus, it should not be necessary to provide a separate and duplicative document comprising the English language translation of the priority document. However, if the Examiner determines that more is required, he is respectfully requested to contact the undersigned.

E. CLAIM OBJECTIONS

At page 3 of the Office Action, the Examiner has objected to claim 3 as being dependent upon a rejected base claim. The Examiner notes that claim 3 would be otherwise allowable if rewritten in independent form. Without admitting the appropriateness of the Examiner's position and for the purpose of facilitating prosecution, claim 3 has been amended as independent form and certain compounds, such as having $R_6 = H$, are removed, thus, obviating this ground of objection.

F. CLAIM REJECTIONS UNDER 35 USC §112, SECOND PARAGRAPH

At pages 3-4 of the Office Action, the Examiner has rejected claims 5 and 6 as allegedly indefinite for an alleged lack of clarity in the use of the terms “compound” and “agent”.

Applicants respectfully disagree. Claims 5 and 6, as amended, clearly state that each respective claim is directed to a composition comprising a tricyclic derivative of claims 1 - 3 and a pharmaceutically acceptable excipient.

For all of these reasons, reconsideration and withdrawal of this ground of rejection is respectfully requested.

G. CLAIM REJECTIONS UNDER 35 USC §102(b)

At pages 4-5 of the Office Action, the Examiner has rejected claims 1-2 and 5-6 under 35 U.S.C. § 102(b) as allegedly being anticipated by Guan et al., 1988, *J. Med. Chem.* **41**:1956-1961 ("Guan"). The Examiner has taken the position that Guan teaches the compound: 4-chloro-N-[5,6,7,9-tetrahydro-1,2,3-trimethoxy-10-(methylthio)-9-oxobenzo[a]heptalen-7-yl]- benzamide (CAS # 147950-73-0). This is compound 21 in Scheme I on page 1958 of Guan.

Applicants respectfully disagree. Without admitting the appropriateness of the Examiner's position and for the purpose of facilitating prosecution, claim 1 has been amended to eliminate combinations of R₆ = H, R₇ = H or OH, and formula (c) from B₁. Thus, the compound of CAS # 147950-73-0 having elements [B₁=(a), R₆=H, R₇=Cl, n₃=0] or [B₁=(a), R₆=Cl, R₇=H, n₃=0] is eliminated.

For all of these reasons, reconsideration and withdrawal of this ground of rejection is respectfully requested.

H. FEES

This response is being filed with a petition for three months extension and the

required fee. No further fees are believed to be due. If, on the other hand, it is determined that any further fees are due or any overpayment has been made, the Assistant Commissioner is hereby authorized to debit or credit such sum to Deposit Account No. 02-2275.

Pursuant to 37 C.F.R. 1.136(a)(3), please treat this and any concurrent or future reply in this application that requires a petition for an extension of time for its timely submission as incorporating a petition for extension of time for the appropriate length of time. The fee associated therewith is to be charged to Deposit Account No. 02-2275.

An early and favorable action on the merits is earnestly solicited.

I. CONCLUSION

In view of the actions taken and arguments presented, it is respectfully submitted that each and every one of the matters raised by the Examiner have been addressed by the present amendment and that the present application is now in condition for allowance.

An early and favorable action on the merits is earnestly solicited.

Respectfully submitted,
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